REMARKS

DRAWING OBJECTIONS

The Examiner objected to Figure 1 for not including a "Prior Art" designation. The Examiner further objected to the figures under 37 C.F.R. § 1.84(p)(5) for not including "interface 233." The Applicants have entered REPLACEMENT FIGURES. A "Prior Art" designation was added to Figure 1, and the label for "Interface 133" in Figure 2 was corrected to indicate "Interface 233."

AMENDMENTS TO THE SPECIFICATION

The Applicants have amended the title such that it is more clearly indicative of the invention to which the claims are directed. Specifically, the title now refers to a network appliance for balancing load and platform services.

35 U.S.C. § 112, ¶ 2 REJECTIONS: ANTECEDENT BASIS

The Examiner rejected claims 7-8 and 10 under 35 U.S.C. § 112, ¶ 2 for lack of antecedent basis. *Office Action*, 3. Claim 7 was amended to depend on claim 5, which provides antecedent basis for "the access method." Claim 9 was amended to eliminate the offending language "the" from "the at least one platform on another network appliance." Claim 10 was amended to depend on claim 9, which provides antecedent basis for "the cached information." As such, Applicants submit that the claims now exhibit proper antecedent basis and that the rejections are overcome.

AMENDMENTS TO THE CLAIMS

Claims 1-23 are amended and presented for examination. Claims 24 and 25 were previously cancelled.

REJECTIONS UNDER 35 U.S.C. § 102(b)

The Examiner has rejected independent claims 1, 11, and 20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,128,279 (O'Neil et al.). *Office Action*, 4. The Applicants respectfully traverse the rejections.

Claim 1, as amended, recites "a service monitoring process that monitors a <u>working</u> status of the at least one platform service using interprocess communications<u>; and a</u> <u>load balancing process that performs load balancing on received communications based</u> <u>on at least the working status of the at least one platform service.</u>" Claims 11 and 20 have also been amended in a similar albeit contextually appropriate fashion.

Claims 1, 11, and 20 were amended to clarify that the service monitoring process monitors "a working status" of at least one platform service. The Examiner contends that O'Neil et al. discloses this particular element at col. 6, lines 27-22. *Office Action*, 4. According to the Examiner, col. 6, lines 27-22 of O'Neil et al. concern a determination of "load being processed." *Office Action*, 4. As discussed in the specification of the present application at paragraphs [60]-[62], however, "working status" of a platform service does not refer to load or load processing. Rather, working status of a platform service may indicate whether the platform service is "RUNNING," "NOT RUNNING," or "STARTING," for instance. As such, O'Neil et al. does not disclose a service monitoring process that "monitors a working status" of at least one platform service.

Further, as amended, claims 1, 11, and 20 each provide for a "load balancing process that performs load balancing on received communications based on at least the working status of the at least one platform service." The Examiner contends that O'Neil et al. discloses this element at col. 5, lines 37-47. *Office Action*, 4. According to the Examiner, col. 5, lines 37-47 of O'Neil et al. specifically concern a "load balancing module" and determination "whether to process the request." O'Neil et al. does not disclose, however, load balancing "based on least the working status of the at least one platform service."

As such, the Applicants believe that O'Neil et al. fails to anticipate the independent claims 1, 11, and 20 as amended. Further, because each of the dependent claims incorporates by reference all the limitations of the independent claim from which it depends, O'Neil et al. also fails to anticipate dependent claims 2, 3, 5, 12, 14, 17, 21, and 23.

REJECTIONS UNDER 35 U.S.C. § 103

The Examiner has rejected claim 4 under 35 U.S.C. §103 as unpatentable over O'Neil et al. in view of U.S. Patent No. 6,789,118 (Rao). *Office Action*, 8. The Applicants respectfully traverse this rejection.

Claim 4 depends from and incorporates all the limitations of claim 1, which was amended. As discussed above, O'Neil et al. fails to disclose a "working status" of at least one platform service, monitoring the "working status," or load balancing based on the "working status." Further, the Applicant contends that the combination of O'Neil et al. and Rao lacks the teaching of a "working status" of at least one platform service, monitoring the "working status," and load balancing based on the "working status" as now recited or incorporated in the amended claim.

The Examiner has rejected claims 6, 7, 15, 16, 18, and 19 under 35 U.S.C. §103 as unpatentable over O'Neil et al. in view of U.S. Patent No. 7,032,022 (Shanumgam et al.). *Office Action*, 8. The Applicants respectfully traverse these rejections.

Claims 6 and 7 depend from and incorporate all the limitations of claim 1, which was amended. Likewise, claims 15, 16, 18, and 19 depend from and incorporate the limitations of amended claim 11. As discussed above, O'Neil et al. fails to disclose a "working status" of at least one platform service, monitoring the "working status," or load balancing based on the "working status." Further, the Applicant contends that the combination of O'Neil et al. and Shanumgam et al. lacks the teaching of a "working status" of at least one platform service, monitoring the "working status," and load balancing based on the "working status" as now recited or incorporated in the amended claim.

The Examiner has rejected claim 8 under 35 U.S.C. §103 as unpatentable over O'Neil et al. in view of U.S. Patent No. 6,145,089 (Le et al.). *Office Action*, 10. The Applicants respectfully traverse this rejection.

Claim 8 depends from and incorporates all the limitations of claim 1, which was amended. As discussed above, O'Neil et al. fails to disclose a "working status" of at least one platform service, monitoring the "working status," or load balancing based on the "working status." Further, the Applicant contends that the combination of O'Neil et al. and Le et al. lacks the teaching of a "working status" of at least one platform service, monitoring the "working status," and load balancing based on a "working status" as now recited or incorporated in the amended claim.

The Examiner has rejected claim 9 under 35 U.S.C. §103 as unpatentable over O'Neil et al. in view of U.S. Patent No. 6,438,652 (Jordan et al.). *Office Action*, 11. The Applicants respectfully traverse this rejection.

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Claim 9 depends from and incorporates all the limitations of claim 1, which was amended. As discussed above, O'Neil et al. fails to disclose a "working status" of at least one platform service, monitoring the "working status," or load balancing based on the "working status." Further, the Applicant contends that the combination of O'Neil et al. and Jordan et al. lacks the teaching of a "working status" of at least one platform service, monitoring the "working status," and load balancing based on the "working status" as now recited or incorporated in the amended claim.

The Examiner has rejected claims 10 and 22 under 35 U.S.C. §103 as unpatentable over O'Neil et al. in view of U.S. Patent No. 7,068,640 (Kakemizu et al.). *Office Action*, 11. The Applicants respectfully traverse this rejection.

Claim 10 depends from and incorporates all the limitations of claim 1, which was amended. Likewise, claim 22 depends from and incorporates the limitations of amended claim 20. As discussed above, O'Neil et al. fails to disclose a "working status" of at least one platform service, monitoring the "working status," or load balancing based on the "working status." Further, the Applicant contends that the combination of O'Neil et al. and Kakemizu et al. lacks the teaching of a "working status" of at least one platform service, monitoring the "working status," and load balancing based on the "working status" as now recited or incorporated in the amended claim.

The Examiner has rejected claim 13 under 35 U.S.C. §103 as unpatentable over O'Neil et al. in view of U.S. Patent No. 5,774,660 (Brendel et al.). *Office Action*, 8. The Applicants respectfully traverse this rejection.

Claim 13 depends from and incorporates all the limitations of claim 11, which was amended. As discussed above, O'Neil et al. fails to disclose a "working status" of at least one platform service, monitoring the "working status," or load balancing based on

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the "working status." Further, the Applicant contends that the combination of O'Neil et al. and Brendel et al. lacks the teaching of a "working status" of at least one platform service, monitoring the "working status," and load balancing based on the "working status" as now recited or incorporated in the amended claim.

CONCLUSION

The Applicants have amended the drawings, specification, and claims. No new matter is added through these amendments.

The Applicants have evidenced the failure of O'Neil et al.—either alone or in combination with Rao, Shanumgam et al., Le et al., Jordan et al., Kakemizu et al., or Brendel et al.—to disclose all the elements of the independent claims 1, 11, and 20.

Any claim dependent upon one of the aforementioned independent claims—either directly or via an intermediate dependent claim—is allowable for at least the same reasons as the claim from which it depends. As such, each and every one of the dependent claims of the present application are also in condition for allowance.

As all rejections have been overcome, the Applicants contend the present application is in condition for allowance. The Examiner is invited to contact the Applicants' undersigned representative with any questions concerning the present amendment.

Respectfully submitted,
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